

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

|                                    |   |                     |
|------------------------------------|---|---------------------|
| <b>SENTRY SELECT INSURANCE CO.</b> | § |                     |
|                                    | § |                     |
| <b>V.</b>                          | § | <b>No. 5:12CV10</b> |
|                                    | § |                     |
| <b>HOME STATE COUNTY MUTUAL</b>    | § |                     |
| <b>INSURANCE CO. AND MARK LYNN</b> | § |                     |
| <b>STEVENS</b>                     | § |                     |

**MEMORANDUM ORDER ADOPTING REPORT AND RECOMMENDATION**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections were filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Accordingly, it is hereby

**ORDERED** that Motion for Summary Judgment of Home State County Mutual Insurance Company and Mark Lynn Stevens (Dkt. No. 19) is **DENIED**. It is further

**ORDERED** that Plaintiff's Motion for Summary Judgment (Dkt. No. 20) is **GRANTED**. It is further

**ORDERED** that Sentry has no duty to indemnify or defend Mark Lynn Stevens in connection with the lawsuits filed against him by Donald and Barbara Roche, Cause Nos. 11CA919 and 11CA920 respectively, filed in the Circuit Court, Fifth Judicial Circuit, Lake County, Florida.

arising out of the March 20, 2010 auto accident Stevens was involved in with Donald and Barbara Roche

**SIGNED this 5th day of September, 2013.**

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a large initial "M".

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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE